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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,704	02/14/2002	Donald R. Brewer	AFOSS.0102	8393
22858	7590 02/26/2004		EXAM	INER
CARSTENS YEE & CAHOON, LLP P O BOX 802334			LINDINGER, MICHAEL L	
DALLAS, TX 75380			ART UNIT	PAPER NUMBER
ŕ			2841	

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		\mathcal{U}_{\sim}
	Application No.	Applicant(s)
	10/075,704	BREWER ET AL.
Office Action Summary	Examiner	Art Unit
	Michael L. Lindinger	2841
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wit	h the correspondence address
A SHORTENED STATUTORY PERIOD FOR RETHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by some Any reply received by the Office later than three months after the rearned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a re n. a reply within the statutory minimum of thirty eriod will apply and will expire SIX (6) MONT statute, cause the application to become AB/	ply be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on _ 2a) This action is FINAL . 2b) Since this application is in condition for all closed in accordance with the practice unc	This action is non-final. owance except for formal matte	
Disposition of Claims		
4) Claim(s) 1-41 is/are pending in the applica 4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-41 are subject to restriction and	ndrawn from consideration. d/or election requirement.	
9) The specification is objected to by the Exam		
10) The drawing(s) filed on is/are: a)		
Applicant may not request that any objection to Replacement drawing sheet(s) including the co		
11) The oath or declaration is objected to by the		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docur 2. Certified copies of the priority docur 3. Copies of the certified copies of the application from the International But * See the attached detailed Office action for a	ments have been received. ments have been received in Appriority documents have been ureau (PCT Rule 17.2(a)).	oplication No received in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4\ ☐ Interview S	⊔mmary (PTO-413)
 Notice of References Cited (PTO-892) Double of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date 	Paper No(s	n/Mail Date formal Patent Application (PTO-152)

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-18, drawn to a method and system of wireless data transfer, classified in Class 368, Subclass 47.
 - II. Claims 19-27, drawn to an alignment apparatus, classified in Class 711, Subclass 100.
 - III. Claims 28-41, drawn to digital wristwatch with a manually actuated display, classified in Class 368, Subclass 69.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, nowhere in Group I are alignment means associated with an alignment apparatus claimed in order to transfer data.
- 3. Inventions III and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

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operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, nowhere in Group III is alignment means associated with an alignment

apparatus claimed in order to transfer data.

4. Inventions III and I are unrelated. Inventions are unrelated if it can be shown that

they are not disclosed as capable of use together and they have different modes of

operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

the instant case, nowhere in Group I is a digital wristwatch including the claimed

limitations included.

The Examiner believes each of the Groups is a separate invention. They all contain

distinct limitations that differ each of the Groups from each other.

5. Because these inventions are distinct for the reasons given above and the

search required for Group I is not required for Group II, restriction for examination

purposes as indicated is proper.

Accordingly, because these inventions are distinct for the reasons given above and the

search required for Group II is not required for Group II, restriction for examination

purposes as indicated is proper.

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6. A telephone call was made to David Carstens (Reg. No. 34,134) on February 19,

2004 to request an oral election to the above restriction requirement, but did not result

in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37

CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael L. Lindinger whose telephone number is (572)

272-2106. The examiner can normally be reached on Monday-Thursday (7:30-6).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor. David Martin can be reached on (572) 272-2107. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Michael L. Lindinger

Examiner

Art Unit 2841

February 19, 2004

MLL

RANDY W. GIBSON RIMARY EXAMINER

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